

## **REMARKS**

Claims 2-7 and 9-21 are pending in this application. Attached hereto is a complete listing of all claims in the application, with their current status listed parenthetically. By this Response, claim 2-4, 7 and 11-14 have been amended, and are presented with markings indicating their current amendments. Claims 5-6, 9-10 and 15-21 are canceled without prejudice to later prosecution. New claims 30-36 are added and new formal Figure 5 is submitted. Support for the new claims and new Figure 5 can be found starting on page 20, line 17 to page 21, line 11 of the originally-filed specification, and in originally-filed Figures 3 and 4.

### **Claim Objections**

In paragraph 1 of the Office Action the Examiner objects to claims 2-4 and claims 11-13 as being duplicate. Applicant agrees with the Examiner's objection and has amended claims 2-4 and 11-13 in response. Claims 2-4 now depend from independent claim 30 and claims 11-13 depend from independent claim 31.

### **Rejection Under 35 U.S.C. § 102**

In paragraphs 2 and 3 of the Office Action pending claims 2-7 and 9-21 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application 2003/0228005 ("Melick"). As claims 5-6, 9-10 and 15-21 have been canceled without prejudice, the rejection of these claims is now moot.

In addition, Applicant respectfully traverses this rejection because the Melick reference cannot be considered as prior art. The Melick reference indicates a file date of April 30, 2003.

Applicant's application claims priority to a parent application filed June 21, 2002 (U.S. Patent 6,782,048). Thus Applicant's priority date is prior to Melick's file date.

Melick incorporates by reference and claims priority to an application filed on Oct. 27, 2000 (No. 09/698,793) and two provisional applications, one filed on April 30, 2002, (No. 60/376,592) and another filed Jan. 20, 2003 (No. 60/441,348).

Thus, Melick's filing date of April 3, 2003 eliminates it as a 35 U.S.C. § 102(e) reference, and only one of the provisional applications, and the non-provisional application may be considered as prior art references, as shown in the table below:

<b>Filing Date</b>	<b>Serial Number</b>	<b>Prior Art Status</b>
April 3, 2003 (Melick published application)	10/427,039	Not prior art
January 20, 2003 (provisional)	60/441,348	Not prior art
April 30, 2002 (provisional)	60/376,592	Prior art
October 27, 2000	09/698,793	Prior art

The filing dates for Melick and provisional application 60/441,348 eliminate them as 35 U.S.C. § 102(e) references. However, the subject matter of the April 30, 2002, provisional application and the October 27, 2000 application may support a 35 U.S.C. § 102(e) rejection but only if they contain subject matter that can actually support a 35 U.S.C. § 102(e) rejection.

Therefore, Melick is not prior art, and Applicant respectfully requests a copy of the April 30, 2002 provisional application, so that Applicant may determine if any of its teachings may be used as prior art. Moreover, Applicant requests Melick's prosecution history, to determine if any portion of the April 30, 2002, provisional application was cancelled. "Portions of the patent

application which were cancelled are not part of the patent or application publication and thus cannot be relied on in a 35 U.S.C. § 102(e) rejection over the issued patent or application publication" (M.P.E.P. § 2136.02).

As mentioned above, Applicant has canceled, without prejudice, independent claim 9 and claims 2-4 and 7 have been amended and now depend from new independent claim 30. Similarly, claims 11-14 have been amended and now depend from new independent claim 31. Applicant respectfully submits that Melick cannot anticipate these new claims, and accordingly it is respectfully submitted that the rejection of claims 2-4, 7 and 11-14 has been traversed.


### **Conclusion**

Applicant believes that this Response has addressed all items in the Office Action and now places the application in condition for allowance. Accordingly, favorable reconsideration and allowance of claims 2-4, 7, 11-14 and 30-37 at an early date is solicited. Accompanying this Response is a Petition for a Three-Month Extension of Time. The Commissioner is authorized to charge the fee for the three-month extension of time for a small entity to our Deposit Account No. 50-3143, in the name of Pulse-Link, Inc. Should any issues remain unresolved, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

October 17, 2007

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Date

  
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